



STATE OF CALIFORNIA

GAVIN NEWSOM, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

FILED

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A2006012

November 9, 2022

Agenda ID #21144
Ratesetting

TO PARTIES OF RECORD IN APPLICATION 20-06-012:

This is the proposed decision of Administrative Law Judge Rafael L. Lirag. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's December 15, 2022 Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties to the proceeding may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure. Electronic copies of comments should also be sent to the Intervenor Compensation Program at icompcoordinator@cpuc.ca.gov.

/s/ MICHELLE COOKE

Michelle Cooke

Acting Chief Administrative Law Judge

MLC:nd3

Attachment

Decision **PROPOSED DECISION OF ALJ LIRAG** (Mailed 11/9/2022)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Pacific Gas and Electric
Company (U39M) to Submit Its 2020 Risk
Assessment and Mitigation Phase Report.

Application 20-06-012

**DECISION DENYING COMPENSATION CLAIM OF
FEITA BUREAU OF EXCELLENCE LLC**

Intervenor: FEITA Bureau of Excellence, LLC ¹ (“FEITA”)	For contribution to Decision (D.) 22-03-008
Claimed: \$91,559.48	Awarded: \$0.00
Assigned Commissioner: Clifford Rechtschaffen	Assigned ALJ: Rafael L. Lirag

PART I: PROCEDURAL ISSUES**(Completed by Intervenor except where indicated)**

A. Brief description of Decision:	In Decision 22-03-008 the Commission closed Pacific Gas and Electric Company’s (PG&E) 2020 Risk Assessment Mitigation Phase (RAMP) proceeding. This RAMP proceeding informs PG&E’s Test Year (TY) 2023 General Rate Case (GRC) proceeding (Application (A.) 21-06-021). The Decision also stated that PG&E
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¹ It appears there is a minor discrepancy between the intervenor’s legal name in its formal documents, such as Articles of Organization, bylaws, and Certificate of Organization (Attachments 2, 4, and 3, respectively, to FEITA’s amended Notice of Intent to Claim Intervenor Compensation filed on January 18, 2022 (A.21-06-021)), and in FEITA’s pleadings filed before the Commission. While in FEITA’s pleadings its name is FEITA Bureau of Excellence, LLC, in the formal documents the name does not carry a comma before “LLC.” This decision, where appropriate, mentions FEITA’s name consistent with the intervenor’s legal name as it appears in the formal documents, i.e., “FEITA Bureau of Excellence LLC.”

	benefitted from the various comments and insight provided by SPD and intervenors in this proceeding.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:²

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	10/8/2020	Verified
2. Other specified date for NOI:	N/A	Verified
3. Date NOI filed:	11/6/2020	Verified
4. Was the NOI timely filed?		Yes
Showing of eligible customer status (§ 1802(b)) or eligible local government entity status (§§ 1802(d), 1802.4):		
5. Based on ALJ ruling issued in proceeding number:	Unable — See Comment 1	The most recent ruling issued in A.21-06-021
6. Date of ALJ ruling:	N/A	September 20, 2022
7. Based on another CPUC determination (specify):	N/A	See Part I(C), below.
8. Has the Intervenor demonstrated customer status or eligible government entity status?		No — See Part I(C), below.
Showing of “significant financial hardship” (§ 1802(h) or § 1803.1(b)):		
9. Based on ALJ ruling issued in proceeding number:	Unable — See Comment 1	The most recent ruling issued in A.21-06-021
10. Date of ALJ ruling:	N/A	September 20, 2022
11. Based on another CPUC determination (specify):	N/A	See Part I(C), below.
12. Has the Intervenor demonstrated significant financial hardship?		No.
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	Decision 22-03-008	Verified
14. Date of issuance of Final Order or Decision:	March 21, 2022	Verified

² All “Section” and “§” references are to California Public Utilities Code unless indicated otherwise.

	Intervenor	CPUC Verification
15. File date of compensation request:	5/16/2022	Verified
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Intervenor's Comment(s)	CPUC Discussion
5-12	<p>FEITA is unable at the time of this request to provide a ALJ ruling showing eligible customer status nor a ruling of significant financial hardship. FEITA has requested a ruling of customer eligibility and financial hardship four times in the following Proceedings. Unfortunately, all requests are still open at the time of this request and have not been ruled upon.</p> <ul style="list-style-type: none"> Order Instituting Investigation into Southern California Gas Company's Risk Assessment and Mitigation Phase November 2019 Submission. I-19-11-010 <p>FEITA issued the NOI on 03/23/2020. No response was received before the Proceeding was closed.</p> <p>Order Instituting Investigation into San Diego Gas & Electric Company's Risk Assessment and Mitigation Phase November 2019 Submission. I-19-11-011</p> <p>FEITA issued the NOI on 03/23/2020. No response was received before the Proceeding was closed.</p>	<p>There were several rulings in the Commission proceedings rejecting FEITA's notices of intent to claim intervenor compensation (NOI).³ The most recent ruling issued on September 20, 2022, in A.21-06-021.</p> <p>The ruling of September 20, 2022 analyzed all statements made by the intervenor and documents it provided, and found that FEITA has not demonstrated eligibility to claim compensation as a "customer" pursuant to Section 1802(b)(1).⁴</p> <p>In this proceeding, facts concerning FEITA's status are consistent with the ones in A.21-06-021. Therefore, we find no reason to reach a different conclusion than the one adopted in A.21-06-021.</p> <p>Part III(D), below, of this decision provides analysis similar to the one performed in A.21-06-021. In line with the conclusions in the Ruling of September 20, 2022 (A.21-06-021), we find that FEITA has not</p>

³ See Administrative Law Judge's Ruling Rejecting FEITA Bureau of Excellence, LLC's Notice of Intent to Claim Intervenor Compensation issued on November 25, 2020, in R.20-07-013 at 8-12; and Administrative Law Judge's Ruling Rejecting FEITA Bureau of Excellence, LLC's Notice of Intent to Claim Intervenor Compensation issued on December 21, 2021, in A.21-06-021 at 7-8.

⁴ Administrative Law Judge's Ruling Rejecting FEITA Bureau of Excellence, LLC's Notice of Intent to Claim Intervenor Compensation filed on September 20, 2022, at 9-11.

#	Intervenor's Comment(s)	CPUC Discussion
	<ul style="list-style-type: none"> Application of Pacific Gas and Electric Company (U39M) to Submit Its 2020 Risk Assessment and Mitigation Phase Report. Application 20-06-012 <p>FEITA issued the NOI on 11/6/2020. No response was received before the Proceeding was closed.</p> <ul style="list-style-type: none"> Application of Pacific Gas and Electric Company for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2023. (U39M). Application 21-06-021 <p>FEITA issued the NOI on 9/28/2021. On December 21, 2021, ALJ Regina DeAngelis issued a ruling rejecting the NOI and requested additional information. The amended NOI, with requested information was timely filed on 1/18/2022.</p> <p>The most recent request for a ruling of customer status and financial hardship in the amended NOI of A.21-06-021 is 119 days old at the time of this request, the other requests are much older and have been ignored.</p> <p>FEITA kindly requests that a ruling be made in any of the above proceedings. FEITA has submitted all the necessary paperwork and has complied with all rules of practice and procedure but continues to be ignored.</p>	<p>demonstrated eligibility to claim compensation as a “customer” under provisions of Section 1802(b)(1).</p>

PART II: SUBSTANTIAL CONTRIBUTION
(Completed by Intervenor except where indicated)

A. Did the Intervenor substantially contribute to the final decision
(see § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059:

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
		Since this decision finds FEITA ineligible to claim intervenor compensation (see, Part I(C), above, and Part III(D), below), the Commission does not discuss FEITA's assertions in Part II(A).
1. FEITA was the only party to identify that the PG&E risk model ignored many population sources on the roadway that could be impacted by a risk which significantly underestimated the impact and risk score. Through data requests FEITA discovered that PG&E used a standard population for persons on the road and did not use accurate traffic survey data available from Caltrans. Using actual survey data will improve the risk modeling.	FEITA's Opening comments to PG&E's 2020 RAMP Report p. 97-98	
2. FEITA was the only party to identify that natural catastrophic event have been neglected by PG&E and requested they include these in their alternate scenario analysis. PG&E ran the scenarios and found that they do pose a risk. It should be noted that FEITA also	FEITA's Opening comments to PG&E's 2020 RAMP Report p. 85-93 Mussy Grade Road Alliance Comments on the PG&E 2020 RAMP and SPD Report p. 30	

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>identified the errors and provided suggestions to PG&E improve the analysis that was performed. FEITA identified that volcanic activity, geomagnetic storms and Arkstorm events could have catastrophic risks and impacts to PG&E assets and the public.</p> <p>MGRA stated in reply to the natural disaster events identified by FEITA that "It is important for the Commission to understand how the utilities are positioned against natural catastrophe risk, and should support FEITA's request that each of these scenarios has, at the least, a utility contingency plan in place for each of these eventualities".</p>		
<p>3. FEITA outlined the foundational errors in PG&E's risk model. Other intervenors focused on specific attributes and ignored the glaring errors that from the framework of the model. These errors include the reliance on subject matter expertise instead of cited material, lack of definition for a subject matter expert, lack of training and qualifications for decision makers, how PG&E is ignoring some mitigative activities that would produce a lower risk</p>	<p>FEITA's Opening comments to PG&E's 2020 RAMP Report p. 5-25</p> <p>Decision 22-03-008 p. 8</p>	

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>score. No other party commented on training or competency, FEITA was the only one.</p> <p>FEITA was also the first party to show and explain how the units PG&E uses in their risk score are not independent and should be coupled together. FEITA demonstrated how reliability, safety and financial impacts are all related.</p> <p>FEITA also showed how the reliability units are wrongly weighted and favored towards electric compared to gas. As well as how PG&E did not use natural units (which are a requirement of the settlement agreement) and applied reliability units inconsistently.</p> <p>FEITA also identified how the risk model ignores the criticality of customers and how it is wrong to treat the risk of loss of service to all customers equally.</p> <p>The seasonal risk, how gas and electricity are not used the same throughout the year was also identified by FEITA. This error in the risk model of PG&E leads to a constant risk throughout the year, when in reality the risk</p>		

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>changes with the weather and usage.</p> <p>FEITA also points out how the Poisson distribution used by PG&E for fatalities is wrong.</p> <p>Many mitigations PG&E proposed and is counting on only addresses the end cause and not the root cause. FEITA explained how addressing the root causes are the most effective to eliminate the risk as well more cost effective.</p> <p>FEITA documented all the errors and provided PG&E with suggestions on how to improve their model and eliminate the identified errors.</p>		
<p>4. FEITA was the only intervenor to identify and explain how some of the mitigative efforts PG&E is doing and proposing can introduce risk. FEITA also says why PG&E should include the risk of mitigative efforts in their risk modeling. This will provide a much more accurate and realistic risk model once it is incorporated.</p>	<p>FEITA's Opening comments to PG&E's 2020 RAMP Report p. 25-36</p> <p>Decision 22-03-008 p. 8</p>	
<p>5. FEITA identified how PG&E is ignoring and not properly accounting for environmental risks and harms. FEITA also</p>	<p>FEITA's Opening comments to PG&E's 2020 RAMP Report p. 36-48</p>	

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>identified how the RAMP report contradicts prior PG&E filings. FEITA outlined how PG&E could better account for environmental risks and how they can include risks to climate change in their operations and risk modeling.</p> <p>FEITA was the only intervenor to identify the significant environmental impacts from PG&E operations, employees and contractors. These risks are not accounted for anywhere. Similarly, FEITA was the only party to comment and identify how the environmental impacts from wildfires are being ignored.</p>	Decision 22-03-008 p. 8	
<p>6. FEITA championed how indirect safety consequences should not be ignored. Ignoring indirect safety consequences leads to lower risk scoring and a false sense of security. FEITA points out that PG&E mentions indirect and direct consequences, they failed to define them, which leads to poor risk modeling. FEITA provided a list of indirect consequences that PG&E should be including in their risk modeling.</p>	FEITA's Opening comments to PG&E's 2020 RAMP Report p. 48-52	

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>7. FEITA identified major concerns with PG&E's employee competency. FEITA identified personnel who are in roles that they are not trained or qualified for. FEITA discovered that PG&E's Vice President committee that approves risks identified in the RAMP report has no required training or qualifications. FEITA was the only party to look into training and qualifications and was the only party to conclude that PG&E relies on unqualified people who may not understand risk. Furthermore PG&E has no plans to train them properly.</p> <p>FEITA identified that the leads on the RAMP report have no educational experience to qualify them as subject matter experts. FEITA also identified and pointed out how the unqualified personnel have let inconsistencies and accuracy errors throughout the RAMP Application.</p> <p>This is a major finding that points to systemic institutional errors regarding safety culture, risk identification and controls of risks. FEITA was the only party to identify these concerns. FEITA also</p>	<p>FEITA's Opening comments to PG&E's 2020 RAMP Report p. 52-63</p> <p>Decision 22-03-008 p. 8</p>	

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
provided PG&E with ways to solve these errors.		
8. FEITA showed how PG&E failed to properly collaborate within their company across all safety groups and departments. This showed that if they did not collaborate, they could have missed errors or some groups within PG&E are redundant and should not exist to waste ratepayer funds.	FEITA's Opening comments to PG&E's 2020 RAMP Report p. 64-71	
9. FEITA pointed out how the RAMP team did not rely on peer reviewed published material as much as they could have. FEITA also identified work PG&E is doing with the University of California and how that work is directly applicable to the RAMP Application but was ignored. Including these would improve the risk modeling.	FEITA's Opening comments to PG&E's 2020 RAMP Report p. 71-71	
10. FEITA identified how PG&E has internal communication issues and how improving those could improve their risk model.	FEITA's Opening comments to PG&E's 2020 RAMP Report p. 72-73	
11. FEITA discussed how adoption of an acceptable risk criteria and elimination of qualitative methods is the only way to truly quantify risk. This is the best way to improve the risk model.	FEITA's Opening comments to PG&E's 2020 RAMP Report p. 73-78	

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
12. FEITA provided suggestions on how to identify and model risk by benchmarking outside of the utility industry. FEITA was the only party to do this in an effort to improve the risk methodology.	FEITA's Opening comments to PG&E's 2020 RAMP Report p. 78-79	
13. 1FEITA provided PG&E with comments and suggestions on how to improve their alternate scenario analysis to provide more accurate risk scores. In these comments FEITA provided examples and data on why PG&E's assumptions were incorrect and had errors.	FEITA's Opening comments to PG&E's 2020 RAMP Report p. 79-93 Decision 22-03-008 p. 8	
14. FEITA identified concerns with PG&E safety culture and how they can impact risks within the company.	FEITA's Opening comments to PG&E's 2020 RAMP Report p. 93-95 Decision 22-03-008 p. 8	
15. Most intervenors focused on wildfire risks and risk analysis techniques, largely ignoring risks from gas operations. Throughout the comments FEITA did not ignore gas risks. Many of the contributions already described here discuss gas risks. FEITA discussed many errors and omissions by PG&E's risk modeling that were specific to gas, errors that no other party discussed. FEITA was the only intervenor to	FEITA's Opening comments to PG&E's 2020 RAMP Report	

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
significantly focus on gas risks.		
16. FEITA discussed building and real-estate errors in the risk modeling and suggested ways to improve them. This topic was not discussed by others.	FEITA's Opening comments to PG&E's 2020 RAMP Report p. 104-105	
17. PG&E identified a risk in their RAMP Report of diving. FEITA identified that PG&E was ignoring contractor miles and miles of employees who drove their personal cars. PG&E was only counting PG&E vehicles. Because of this PG&E is underestimating the risk.	FEITA's Opening comments to PG&E's 2020 RAMP Report p. 105-106	
18. FEITA identified many errors and deficiencies in the way PG&E does records management. FEITA suggested many improvements to improve risk and safety from records management deficiencies.	FEITA's Opening comments to PG&E's 2020 RAMP Report p. 106 Decision 22-03-008 p. 8	
19. FEITA was the only party to identify how PG&E has certifications in international safety management systems and how those teams were not included in the RAMP Application.	FEITA's Opening comments to PG&E's 2020 RAMP Report p. 107	
20. FEITA identified mitigations that PG&E requests that ratepayers pay for. FEITA pointed out how they are the responsibility of	FEITA's Opening comments to PG&E's 2020 RAMP Report p. 107-111	

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
PG&E's systemic and historical failures and should not be paid for by ratepayers.	Decision 22-03-008 p. 8	
21. FEITA provided PG&E with a significant list of how to improve their risk model	FEITA's Opening comments to PG&E's 2020 RAMP Report p. 111-118 Decision 22-03-008 p. 8	
22. FEITA identified many issues and concerns that the SPD report was silent on. FEITA identified a lot of concerns and provided a lot of suggestions to improve the risk modeling.	FEITA's Opening comments to PG&E's 2020 RAMP Report p. 1-118	
23. Decision stated: "PG&E benefitted from the various comments and insight provided by SPD and intervenors in this proceeding. Many improvements to the RAMP process were suggested. These will further enhance future RAMP filings as the RAMP process continues to be further developed based on lessons learned." Since FEITA provided many comments, it is clear by the above statement that FEITA made significant contributions that led to that statement.	Decision 22-03-008 p. 11	

B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
		Since this decision finds FEITA ineligible to claim intervenor compensation (see, Part I(C), above, and Part III(D), below), the Commission does not discuss FEITA's assertions in Part II(B).
a. Was the Public Advocate's Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?⁵	Yes	
b. Were there other parties to the proceeding with positions similar to yours?	Yes	
c. If so, provide name of other parties: FEITA's position overlapped to a modest degree with The Utility Reform Network, Cal Advocates and Mussey Grade Road Alliance (MGRA).		
<p>d. Intervenor's claim of no-duplication: FEITA coordinated with Cal Advocates, MGRA and TURN throughout the proceeding. This included conferring on strategy, issues, positions, schedule and others. Where applicable and interests were aligned FEITA joined joint motions to avoid duplication.</p> <p>As a general matter, FEITA either offered unique positions in this proceeding, or, where our positions overlapped with other intervenors, unique analysis in support or opposition of those positions.</p> <p>For example, Cal Advocates, TURN and MGRA focused a large effort on wildfires. FEITA deferred to them to avoid duplication and focused on many issues they did not discuss.</p>		

⁵ The Office of Ratepayer Advocates was renamed the Public Advocate's Office of the Public Utilities Commission pursuant to Senate Bill 854, which the Governor approved on June 27, 2018.

C. Additional Comments on Part II:

#	Intervenor's Comment	CPUC Discussion
		Since this decision finds FEITA ineligible to claim intervenor compensation (see, Part I(C), above, and Part III(D), below), the Commission does not discuss FEITA's assertions in Part II(C).
	<p>FEITA relies largely on our opening comments as the source for citations to where the arguments and evidence supporting our substantial contributions appear in the record of this proceeding.</p> <p>The cited section from that brief should point the Commission toward the oral discussions that took place during workshops, data requests and other record evidence supporting FEITA's position.</p> <p>Should the Commission conclude that it needs further support for any of the substantial contributions described here, FEITA requests an opportunity to supplement this showing with additional citations or material as appropriate.</p>	

PART III: REASONABLENESS OF REQUESTED COMPENSATION
(Completed by Intervenor except where indicated)

A. General Claim of Reasonableness (§ 1801 and § 1806):

	CPUC Discussion
	Since this decision finds FEITA ineligible to claim intervenor compensation (see, Part I(C), above, and Part III(D), below), the Commission does not discuss FEITA's assertions in Part III(A).

	CPUC Discussion
<p>a. Intervenor’s claim of cost reasonableness:</p> <p>FEITA’s request for intervenor compensation seeks an award of approximately \$91,559.48 as the reasonable cost of our participation in this proceeding. FEITA submits that these costs are reasonable in light of the importance of the issues FEITA addressed and the potential benefits to customers.</p> <p>FEITA offered numerous examples and pointed out issues, concerns and errors that no other party mentioned or discussed. The average cost of once incident from PG&E is orders of magnitude less than the award FEITA is requesting. The information FEITA provided is able to allow PG&E to both better identify risks, control and prevent them. Simply preventing one incident will more than pay for FEITA’s participation. If PG&E properly addresses and implements the suggestions FEITA provided it will result in savings to the ratepayer. This is because PG&E will have less risks, less events that the ratepayers pay for.</p> <p>For these reasons, the Commission should find that FEITA's efforts have been productive and the requested amount of compensation is reasonable in light of the benefits achieved through those efforts.</p>	
<p>b. Reasonableness of hours claimed:</p> <p>This Request for Compensation includes slightly more than 324 hours of time devoted to this proceeding by Mr. Sass, FEITA’s only employee. FEITA’s efforts reflected herein resulted in multiple contributions detailed above, and encompass the preparation of more than 130 of comments, as well as participation in workshops, scenario analysis, valuable data requests and others.</p> <p>FEITA’s efforts reflected herein resulted in multiple contributions to Decision 22-03-008.</p>	

		CPUC Discussion
c. Allocation of hours by issue: FEITA has allocated hour by issue as described below. In addition, Attachment 3 is the timesheet which shows the allocation of FEITA's time included in this request.		
Issue	Time	
Whether there are gaps in identifying risks and mitigations (including wildfire risks, gas risks and other risks)	41.7%	
Whether PG&E's analysis is transparent and allows for independent validation of results	12.9%	
PSPS risk determination	6.9%	
Issues related to the MAVF	20.3%	
Other issues related to the RAMP Report	18.2%	
Total	100%	

B. Specific Claim:*

CLAIMED						CPUC AWARD [1], [2]		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Stephen Sass	2020	221.25	\$280.00	See Comment 1	\$61,950	0.00	\$0.00	\$0.00
Stephen Sass	2021	91.0	\$294.00	See Comment 1	\$26,754	0.00	\$0.00	\$0.00
Stephen Sass	2022	6.25	\$308.70	See Comment 1	\$1,929.38	0.00	\$0.00	\$0.00
Subtotal: \$90,633.38						Subtotal: \$0.00		
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
[Person 1]	N/A							
Subtotal: \$0.00						Subtotal: \$0.00		

CLAIMED						CPUC AWARD [1], [2]		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Stephen Sass	2022	6	\$154.35	½ rate of requested 2022 rate	\$926.10	0.00	\$0.00	\$0.00
Subtotal: \$926.10						Subtotal: \$0.00		
COSTS								
#	Item	Detail			Amount	Amount		
1.	N/A							
Subtotal: \$0.00						Subtotal: \$0.00		
TOTAL REQUEST: \$91,559.48						TOTAL AWARD: \$0.00		
<p>*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§ 1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer’s normal hourly rate</p>								
ATTORNEY INFORMATION								
Attorney	Date Admitted to CA BAR ⁶			Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation			
N/A								

C. Attachments Documenting Specific Claim and Comments on Part III:

Attachment or Comment #	Description/Comment
Attachment 1	Certificate of Service
Attachment 2	Current Resume as required by Resolution ALJ-393
Attachment 3	Timesheet
Comment 1	Hourly Rate for FEITA Exert Stephen Sass, P.E.

⁶ This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

Attachment or Comment #	Description/Comment
	<p>This is FEITA's first request for compensation that includes work performed by Mr. Stephen Sass, P.E. Mr. Sass is the founded FEITA in January 2020, the Commission has not previously adopted an authorized rate for Mr. Sass. Mr. Sass has requested approval for rate many times, as discussed above in Part 1.C, but no ruling has been provided at the time of this request.</p> <p>2020</p> <p>FETIA requests an hourly rate of \$280 for Mr. Sass' work in 2020. Mr. Sass received his degree in Chemical Engineering and has been a registered Chemical Engineer in the state of California since January 31, 2011, license #6496 (P.E. license information may be obtained through the California State Department of Consumer Affairs website at: https://search.dca.ca.gov/. The state of California has performed a verification of education, work experience and letters of recommendation from four other Professional Engineers outlined in California Business and Professions Code sections 6751(c) and 6753 and Title 16, California Code of Regulations section 424).</p> <p>By the time Mr. Sass started FEITA he had over 12 years of relevant experience. Almost half of those years were directly related experience during his employment with PG&E. At PG&E Mr. Sass was an Expert Process Safety Engineer and worked with both Electric, Nuclear and Gas Operations.</p> <p>In arriving at a proposed rate of \$280 for Mr. Sass, FEITA reviewed the adopted range in Resolution ALJ-387 for Experts. The range in Table 2 of Resolution ALJ-387 for year 2020 of 7-12 years of experience is \$190 – \$315. This table does not provide any criteria for differing labor roles or licensure criteria. 12 years of experience would represent \$315 but since this being Mr. Sass' first time requesting rate discounted the adopted range while taking into consideration labor role, degree, P.E. licensure and other training and certifications to arrive at the requested rate of \$280.</p> <p>2021</p> <p>Resolution ALJ-393 adopts a new methodology for calculating Intervenor Compensation (ICOMP) rates as established in a Market Rate Study that defines comparable hourly rates for new labor categories and an annual escalation methodology. The new hourly rates, labor roles, and escalation methodology will apply starting with ICOMP work performed in the 2021 calendar year. The Hourly Rate Chart posted on the Intervenor Compensation Program website was</p>

Attachment or Comment #	Description/Comment
	<p>used to arrive at the requested rate of \$294. FEITA applied the category of Expert and Role of Chemical Engineer level IV, which represents 10-15 years of experience. The Rate ranges on the Hourly Rate Chart with these parameters results from a Low of \$208.73 to a high of \$313.47. \$294 represents a 5% increase from the 2020 rate as allowed by the Resolution ALJ-393 Finding 6, which states, “It is reasonable to allow individuals an annual “step increase” of five percent, twice within each labor role, capped at the maximum rate for that level, as authorized by D.07-01-009.” \$294 is also within the range from the Hourly Rate Chart.</p> <p>2022 FEITA applied the same process of applying a 5% rate increase from 2021 to request a 2022 rate of \$308.7. This is within the approved rates on the Hourly Rate Chart.</p> <p>FEITA submits that this approach is reasonable given Mr. Sass’ substantial experience, education, training, experience and P.E. license.</p>

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1]	<p>The Intervenor Compensation Claim filed by FEITA Bureau of Excellence LLC Is Denied Because It Has Not Demonstrated the Party’s Status as a “Customer”</p> <p>Section 1802(b)(1)(C) requires an eligible organization to be authorized to represent the interests of residential customers. FEITA Bureau of Excellence LLC (FEITA) has asserted that it is a “group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential ratepayers” (“Category 3 customer”).⁷ FEITA provided copies of its corporate articles, certificate of organization, and bylaws.⁸ These documents state that FEITA’s purpose is to</p> <p style="padding-left: 40px;">Represent utility customers in decision-making processes of regulatory agencies to ensure fair, affordable, reasonable, reliable, safe and adequate services to the public.</p> <p>This provision contains a reasonably inferable formal authorization to, among other things, represent residential ratepayers. However, the referenced text is not</p>

⁷ See, for example, FEITA’s NOI filed on November 6, 2020 in this proceeding at 2-4 or FEITA’s Amended NOI filed on January 18, 2022, at 2-4 in A.21-06-021.

⁸ Attachments 2-4 to the Amended NOI filed on January 18, 2022 (A.21-06-021).

Item	Reason
	<p>determinative of that this company, in fact, represents eligible customers of California utilities. We find that although FEITA is formally authorized by its documents to represent residential utility customers, facts in the formal record do not demonstrate the party's status as a "customer."</p> <p>The Commission has expressed concerns about FEITA's eligibility to claim compensation in other proceedings. Rulings of November 25, 2020 in R.20-07-013 and December 21, 2021 in A.21-06-021 rejected FEITA's NOI filed in each proceeding, and explained what information and documents were needed to help determine if FEITA is an eligible "customer." A Ruling of January 18, 2022 in A.21-06-021 found, based on information provided by the company, that it is not eligible to claim compensation.</p> <p>According to the record, FEITA is a single-member limited liability company in the State of New Mexico.⁹ The member is the sole decision-maker of FEITA who controls, manages, and directs the company.¹⁰ Mr. Sass, as FEITA Bureau Chief, "has ultimate authority and is authorized to make any decision."¹¹ FEITA and its single member have the same physical address located in New Mexico.¹² Besides Mr. Sass, FEITA has no other constituents, members, partners, or supporters.¹³</p> <p>Given FEITA's company structure, which consists of a single member, it is reasonable, for the purposes of the Commission's Intervenor Compensation Program, to treat FEITA as an "<i>alter ego</i>" of Mr. Sass, its single member and Chief, who also owns and funds this company.¹⁴ Accordingly, FEITA has not demonstrated it is a "group or organization" described in § 1802(b)(1)(C) representing eligible customers, which is a threshold requirement for finding "category 3" customer status. Therefore, this decision rejects FEITA's claim of being a "Category 3" customer pursuant to Section 1802(b)(C).</p> <p>Section 1802(b)(1) describes two more categories of eligible customers. To provide a more comprehensive analysis, the Commission will review whether, under the facts presented, FEITA or Mr. Sass may qualify under either of the other two customer categories.</p>

⁹ Attachment 3 to the Amended NOI filed on January 18, 2022 (A.21-06-021) (Articles of Organization).

¹⁰ Attachment 4 to the Amended NOI filed on January 18, 2022 (A.21-06-021) (FEITA Bylaws) at 3.

¹¹ *Id.*; Articles of Organization at 1, 2.

¹² *See* FEITA Bylaws at 2.

¹³ *See* Attachment 5 to the Amended NOI filed on January 18, 2022, at 2.

¹⁴ *See* FEITA Bylaws at 2.

Item	Reason
	<p>Regarding eligibility as a “Category 1” customer, Section 1802(b)(1)(A) sets forth eligible status for an individual “participant representing consumers of any electrical ... corporation that is subject to the jurisdiction of the commission.” Such individual must be “an actual customer who represents more than his own narrow self-interest; a self-appointed representative.”¹⁵ Importantly, as a ratepayer in the State of New Mexico, Mr. Sass is not a customer of a California utility. Therefore, Mr. Sass is not eligible pursuant to Section 1802(b)(1)(A).</p> <p>Regarding eligibility as a “Category 2” customer, Section 1802(b)(1)(B) sets forth eligibility of “a representative who has been authorized by a [California] customer.” In this customer category, a group of customers “selects a presumably more skilled person to represent the customers’ views in a proceeding.”¹⁶ The Commission requires to support this customer status by, among other things, providing a proof of such authorization. While FEITA states in its NOIs that the majority of persons being represented are “residential ratepayers who receive bundled electric service from an electrical corporation,”¹⁷ there is no evidence supporting this assertion. Furthermore, FEITA/Mr. Sass provide no evidence of any of its clients¹⁸ who are utility ratepayers, would like to participate in this proceeding, and have selected among them and authorized Mr. Sass to appear on their behalf in this litigation.¹⁹ Therefore, Mr. Sass is not eligible pursuant to Section 1802(b)(1)(B).</p> <p>Based on this analysis, the Commission finds that FEITA/Mr. Sass cannot demonstrate eligibility as a “customer” under any customer categories described in Section 1802 (b) (1).</p>
[2]	<p>The claim is denied in its entirety as FEITA has not demonstrated a “customer” status pursuant to Section 1802(b)(1) and, therefore, is not eligible to claim intervenor compensation. Because FEITA is not eligible to claim compensation, this decision does not address other aspects of FEITA’s claim, such as substantial contributions (Section 1802(j)) and cost reasonableness (Section 1801).</p>

¹⁵ D.98-04-059 at 30.

¹⁶ D.98-04-059 at 30.

¹⁷ See, for example, NOI filed on November 6, 2020, in this proceeding at 3-4.

¹⁸ Amended NOI filed on January 18, 2022 (A.21-06-021), Attachment 5 at 7 mentions FEITA’s clients.

¹⁹ See the subject intervenor compensation claim at 20-21.

PART IV: OPPOSITIONS AND COMMENTS
Within 30 days after service of this Claim, Commission Staff
or any other party may file a response to the Claim (*see* § 1804(c))

A. Opposition: Did any party oppose the Claim?	No
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If so:

Party	Reason for Opposition	CPUC Discussion

B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	No
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If not:

Party	Comment	CPUC Discussion

FINDINGS OF FACT

1. FEITA Bureau of Excellence LLC has not demonstrated that it is an entity that represents California residential ratepayers.

CONCLUSION OF LAW

1. FEITA Bureau of Excellence LLC's intervenor compensation claim must be denied because FEITA Bureau of Excellence LLC is not an eligible "customer" pursuant to Section 1802(b)(1).

ORDER

1. Intervenor Compensation Claim filed by FEITA Bureau of Excellence LLC is denied.
2. The comment period for today's decision is not waived.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	n/a		
Proceeding:	A2006012		
Author:	ALJ Lirag		
Payer(s):	n/a		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/ Disallowance
FEITA Bureau of Excellence LLC	05/16/22	\$91,559.48	\$0.00	N/A	Not eligible to claim compensation

Hourly Fee Information

First Name	Last Name	Labor Role	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Stephen	Sass	Advocate	\$280.00	2020	\$0.00
Stephen	Sass	Advocate	\$294.00	2021	\$0.00
Stephen	Sass	Advocate	\$308.70	2022	\$0.00

(END OF APPENDIX)